

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR316
)	
vs.)	FINAL ORDER OF
)	FORFEITURE
JAMES L. ASHBY,)	
GARY L. NAPIER, JR.,)	
RICHARD GARZA,)	
SERGIO MARTINEZ-SOTO and,)	
JOSE SOTO,)	
Defendants.)	

This matter is before the Court on the United States' Motion for Final Order of Forfeiture and Memorandum Brief (Filing No. 184). The Court reviews the record in this case and, being duly advised in the premises, find as follows:

1. On January 7, 2005, the Court entered a Preliminary Order of Forfeiture pursuant to the provisions of Title 21, United States Code, Sections 846, 853, and Title 18, United States Code, Section 924(c) based upon the Defendants' pleas of guilty to Counts I, V, VI, VII and VIII of the Indictment filed herein. By way of said Preliminary Order of Forfeiture, the Defendant's interest in \$9,652.00 in United States currency, \$521.00 in United States currency, \$500.00 in United States currency, \$1,639.00 in United States currency and \$13,600.00 in United States currency was subject to forfeiture.

2. On March 9, 16 and 23, 2005, the United States Bureau of Alcohol, Tobacco and Firearms published in a newspaper of general circulation notice of this forfeiture and of the intent of the United States Bureau of Alcohol, Tobacco and Firearms to dispose of the property in accordance with the law, and further notifying all third parties of their right to petition the Court within the stated period of time for a hearing to adjudicate the validity of

their alleged legal interest(s) in said property. An Affidavit of Publication was filed herein on April 26, 2005 (Filing No. 183).

3. The Court has been advised by the United States no Petitions have been filed. From a review of the Court file, the Court finds no Petitions have been filed.

4. The Plaintiff's Motion for Final Order of Forfeiture should be sustained.

IT IS ORDERED:

A. The Plaintiff's Motion for Final Order of Forfeiture (Filing No. 184) is hereby sustained.

B. All right, title and interest in and to the subject properties, i.e., \$9,652.00 in United States currency, \$521.00 in United States currency, \$500.00 in United States currency, \$1,639.00 in United States currency and \$13,600.00 in United States currency, held by any person or entity, is hereby forever barred and foreclosed.

C. The subject properties, i.e., \$9,652.00 in United States currency, \$521.00 in United States currency, \$500.00 in United States currency, \$1,639.00 in United States currency and \$13,600.00 in United States currency, be, and the same hereby is, forfeited to the United States of America .

D. The United States Bureau of Alcohol, Tobacco and Firearms is directed to dispose of said property in accordance with law.

DATED this 27th day of April, 2005.

BY THE COURT:

s/Laurie Smith Camp
Laurie Smith Camp
United States District Judge